



General Assembly

February Session, 2000

***Raised Bill No. 365***

LCO No. 1633

Referred to Committee on General Law

Introduced by:  
(GL)

***An Act Concerning Telephone Solicitation.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1       Section 1. (NEW) (a) As used in this section:
- 2       (1) "Commissioner" means the Commissioner of Consumer  
3       Protection;
- 4       (2) "Consumer" means any individual who is a resident of this state  
5       and an actual or prospective purchaser, lessee or recipient of consumer  
6       goods or services;
- 7       (3) "Consumer goods or services" means any article or service that is  
8       purchased, leased, exchanged or received primarily for personal,  
9       family or household purposes, and includes, but is not limited to,  
10      stocks, bonds, mutual funds, annuities and other financial products;
- 11      (4) "Department" means the Department of Consumer Protection;
- 12      (5) "Doing business in this state" means conducting telephonic sales  
13      calls (A) from a location in this state, or (B) from a location outside of  
14      this state to consumers residing in this state;

15       (6) "Marketing or sales solicitation" means the initiation of a  
16       telephone call or message to encourage the purchase or rental of, or  
17       investment in, property, goods or services, that is transmitted to any  
18       person, but does not include a call or message (A) to any person with  
19       that person's prior express invitation or permission, (B) by a tax-  
20       exempt nonprofit organization, or (C) to promote the success or defeat  
21       of (i) a candidate's campaign for nomination or election, or (ii) a  
22       referendum question;

23       (7) "Telephonic sales call" means a call made by a telephone solicitor  
24       to a consumer for the purpose of (A) engaging in a marketing or sales  
25       solicitation, (B) soliciting an extension of credit for consumer goods or  
26       services, or (C) obtaining information that will or may be used for the  
27       direct marketing or sales solicitation or exchange of or extension of  
28       credit for consumer goods or services;

29       (8) "Telephone solicitor" means any individual, association,  
30       corporation, partnership, limited partnership, limited liability  
31       company or other business entity, or a subsidiary or affiliate thereof,  
32       doing business in this state that makes or causes to be made a  
33       telephonic sales call;

34       (9) "Unsolicited telephonic sales call" means any telephonic sales call  
35       other than a call made: (A) In response to an express request of the  
36       person called; or (B) primarily in connection with an existing debt or  
37       contract, payment or performance of which has not been completed at  
38       the time of the call; and

39       (10) "Caller identification service or device" means any telephone  
40       service or device which permits a consumer to see the telephone  
41       number of incoming calls.

42       (b) The department shall establish and maintain a "no sales  
43       solicitation calls" listing of consumers who do not wish to receive  
44       unsolicited telephonic sales calls. The department may contract with a  
45       private vendor to establish and maintain such listing, provided the

46 private vendor has maintained national "no sales solicitation calls"  
47 listings for more than two years. The department shall provide notice  
48 to consumers of the establishment of a "no sales solicitation calls"  
49 listing. Any consumer who wishes to be included on such listing shall  
50 notify the department in such manner and at such times as the  
51 commissioner may prescribe. A consumer on such listing shall be  
52 deleted from such listing upon the consumer's written request. The  
53 department shall update such listing not less than quarterly and shall  
54 make such listing available to telephone solicitors and other persons  
55 upon request. The commissioner may charge a reasonable fee for  
56 providing such listing and may make such listing available in printed  
57 or electronic format, or both, in the commissioner's discretion.

58 (c) A telephone solicitor shall maintain a "do not call" list of  
59 consumers who do not wish to receive the unsolicited telephonic sales  
60 calls of that particular telephone solicitor. Any consumer receiving an  
61 unsolicited telephonic sales call may state to the telephone solicitor  
62 that the consumer no longer wishes to receive unsolicited telephonic  
63 sales calls from the telephone solicitor. Such a statement by the  
64 consumer is deemed a request to be placed on the telephone solicitor's  
65 "do not call" list. When a consumer requests to be placed on a  
66 telephone solicitor's "do not call" list, the telephone solicitor shall  
67 provide the consumer with a confirmation number which shall  
68 provide confirmation of the consumer's request to be placed on the  
69 telephone solicitor's "do not call" list.

70 (d) No telephone solicitor may make or cause to be made any  
71 unsolicited telephonic sales call to any consumer (1) if the consumer's  
72 name and telephone number or numbers appear in the then current  
73 quarterly "no sales solicitation calls" listing made available by the  
74 department under subsection (b) of this section, (2) if the consumer  
75 previously requested to be placed on the telephone solicitor's "do not  
76 call list" pursuant to subsection (c) of this section, (3) to be received  
77 between the hours of nine o'clock p.m. and nine o'clock a.m. and  
78 between five o'clock p.m. and seven o'clock p.m., local time, at the

79 consumer's location, (4) in the form of electronically transmitted  
80 facsimiles, or (5) by use of an automated dialing or recorded message  
81 device.

82 (e) No telephone solicitor shall knowingly use any method to block  
83 or otherwise circumvent a consumer's use of a caller identification  
84 service or device.

85 (f) (1) Any person who obtains the name, residential address or  
86 telephone number of any consumer from published telephone  
87 directories or from any other source and republishes or compiles such  
88 information, electronically or otherwise, and sells or offers to sell such  
89 publication or compilation to telephone solicitors for marketing or  
90 sales solicitation purposes, shall exclude from any such publication or  
91 compilation, and from the database used to prepare such publication  
92 or compilation, the name, address and telephone number or numbers  
93 of any consumer if the consumer's name and telephone number or  
94 numbers appear in the then current quarterly "no sales solicitation  
95 calls" listing made available by the department under subsection (b) of  
96 this section.

97 (2) This subsection does not apply to (A) any telephone company, as  
98 defined in section 16-1 of the general statutes, for the sole purpose of  
99 compiling, publishing or distributing telephone directories or causing  
100 the compilation, publication or distribution of telephone directories or  
101 providing directory assistance, and (B) any person, for the sole  
102 purpose of compiling, publishing or distributing telephone directories  
103 for such telephone company pursuant to an agreement or other  
104 arrangement with such telephone company.

105 (g) The commissioner may adopt regulations, pursuant to chapter  
106 54 of the general statutes, to carry out the provisions of this section.  
107 Such regulations may include, but shall not be limited to, provisions  
108 governing the availability and distribution of the listing established  
109 under subsection (b) of this section, notice requirements for consumers  
110 wishing to be included on the listing established under subsection (b)

111 of this section, and a schedule for the payment of fees paid by those  
112 who wish to obtain the "no sales solicitation calls list".

113 (h) A violation of any of the provisions of this section shall be  
114 deemed an unfair or deceptive trade practice under subsection (a) of  
115 section 42-110b of the general statutes.

116 Sec. 2. (NEW) (a) There is established an account to be known as the  
117 "no sales solicitation calls listing account". The account may contain  
118 any moneys required by law to be deposited in the account. Any  
119 balance remaining in the account at the end of any fiscal year shall be  
120 carried forward in the account for the fiscal year next succeeding. The  
121 account shall be used by the department to administer the provisions  
122 of section 1 of this act.

123 (b) Notwithstanding any provision of the general statutes to the  
124 contrary, the amount of any fees received by the commissioner or the  
125 commissioner's legally authorized representative or agent pursuant to  
126 section 1 of this act shall, upon deposit in the General Fund, be  
127 credited to the account established by subsection (a) of this section.

**GL Committee Vote:** Yea 13 Nay 0 JF